

**California Environmental Protection Agency  
Interagency Working Group on Environmental Justice**

**Recommendations for the Development of an  
Intra-agency Environmental Justice Strategy**

**04/23/04 DRAFT STAFF PROPOSAL  
FOR DISCUSSION AND APPROPRIATE ACTION**

The California Environmental Protection Agency (Cal/EPA or Agency) Interagency Working Group on Environmental Justice (IWG) is made up of: the Secretary of Cal/EPA; the Chairs of the California Air Resources Board, the California Integrated Waste Management Board, and the State Water Resources Control Board; the Directors of the Department of Toxic Substances Control, the Department of Pesticide Regulation, and the Office of Environmental Health Hazard Assessment; and the Director of the Governor's Office of Planning and Research.

Pursuant to section (§) 71113 of the Public Resources Code (PRC), the IWG has developed recommendations to the Secretary of Cal/EPA on how the Agency should integrate environmental justice into its public health and environmental protection programs, policies, and activities to assure that all Californians obtain equal and full protection, fair treatment, and full access in a clean, healthy environment.

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**Background Information**

Section 71113 of the PRC charged the IWG with the following activities:

- Examine existing data and studies on environmental justice, and consult with state, federal and local agencies, and affected communities.
- Hold public meetings to receive and respond to public comments regarding the recommendations required pursuant to this section, prior to the finalization of the recommendations. Cal/EPA shall provide public notice of the availability of draft recommendations at least one month prior to the public meetings.
- Recommend procedures to ensure that public documents, notices, and public hearings relating to human health or the environment, are concise, understandable, and readily accessible to the public. The recommendation shall include guidance for determining when it is appropriate for Cal/EPA to translate crucial public documents, notices, and hearings relating to human health or the environment for limited-English-speaking populations.
- Recommend criteria to Cal/EPA for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

## 04/23/2004 DRAFT Staff Proposal

- Recommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.
- Recommend procedures and provide guidance to Cal/EPA for the coordination and implementation of intra-agency environmental justice strategies.
- Recommend on other matters needed to assist the Agency in developing an intra-agency environmental justice strategy.

In the two-year process of developing recommendations to the Secretary of Cal/EPA, the IWG has examined existing data and studies on environmental justice (i.e., the precautionary approach, cumulative impacts, pollution prevention, meaningful public participation, etc.), and consulted with other agencies (including the California Department of Transportation, California Energy Commission, California Department of Health Services, U.S. Environmental Protection Agency, and others) and affected communities. The IWG has also conducted, to date, three public meetings to receive public input, and sought the assistance of the Cal/EPA Advisory Committee on Environmental Justice (Advisory Committee), which is made up of 17 representatives from environmental organizations, community organizations, local/regional land use planning agencies, air districts, certified unified program agencies, business (large and small), environmental justice organizations, and a federally recognized tribe. These actions by the IWG have ensured that its recommendations are based on input from many stakeholders of various regions, backgrounds, disciplines, and perspectives.

In particular, the Advisory Committee has provided invaluable assistance to the IWG in developing the recommendations presented here. At the request and direction of the Secretary of Cal/EPA and the IWG, the Advisory Committee conducted an extensive process, seeking and reviewing public input throughout the state, as well as examining related environmental justice data, to assist the IWG with its statutory mandate. On October 1, 2003, the Advisory Committee presented its report, *The Recommendations of the Advisory Committee on Environmental Justice to the Interagency Working Group Report*, advising the IWG on the issues, goals and actions for development of the intra-agency environmental justice strategy. The Advisory Committee's report helped frame the complexity of environmental justice within the state, and contributed in meeting the IWG's statutory obligations.

The IWG has examined the Advisory Committee's report in great detail, and appreciates its thoughtful and comprehensive recommendations and strategies. The Advisory Committee's report not only presents a host of viable actions to implement and integrate environmental justice into Cal/EPA's programs, policies, and activities, but also encourages strategic direction in the face of a challenging and dynamic issue. Accordingly, at its October 14, 2003, public meeting, the IWG approved a resolution endorsing the Advisory Committee's report and agreeing to use the goals and recommendations contained in it to provide the structure for development of the intra-agency environmental justice strategy.

*The IWG will continue to work with the Advisory Committee while implementing the intra-agency environmental justice strategy and will continue to rely upon input from the Advisory Committee to assure the success of Cal/EPA's environmental justice efforts.*

The IWG recognizes the challenges to address and achieve environmental justice and acknowledges the necessity to seek emerging opportunities to make environmental justice a tangible and consistent part of the way Cal/EPA performs its regulatory functions. In this spirit, the IWG provides the recommendations herein as an overarching vision to help guide Cal/EPA's decision-making and approaches to advance environmental justice.

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### Cal/EPA Environmental Justice Vision

All Californians regardless of race, culture, or income, ~~enjoy the same degree of protection shall~~ **be protected** from environmental and health hazards and ~~have~~ equal access to and fair treatment in our decision-making processes.

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### Cal/EPA Environmental Justice Mission

*The California Environmental Protection Agency and its Boards, Departments, and Office affirm the right to a clean and healthful environment for all people and shall develop and implement its programs and policies in a manner that ensures that people of color and low-income populations receive timely and complete access to information, meaningful inclusion and self-determination in decision-making processes, and full protection from the release of and exposure to environmental contaminants under all environmental laws, regulations, policies, programs, and activities.*

~~To accord the highest respect and value to every individual and community, Cal/EPA and its Boards, Departments, and Offices (BDO) shall conduct their public health and environmental protection programs, policies and activities in a manner that is designed to promote equality and afford fair treatment, full access and full protection to all Californians; including low income and minority populations.~~

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### Cal/EPA Environmental Justice Values

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|-------------------------|-----------------|---------------|
| ▪ Leadership            | ▪ Coordination  | ▪ Objectivity |
| ▪ <b>Responsiveness</b> | ▪ Collaboration | ▪ Quality     |
| ▪ Accountability        | ▪ Integrity     |               |
| ▪ Full Access           | ▪ Respect       |               |

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### Cal/EPA Environmental Justice Goals

The IWG is charged to act and recommend on environmental justice activities at Cal/EPA pursuant to the PRC (as described in the Background Information section). This section describes the recommended core goals Cal/EPA should pursue to meet its statutory obligations and assure that all Californians obtain equal and full protection, fair treatment, and full access in a clean, healthy environment. The core environmental justice goals recommended below are consistent with the goals in the Advisory Committee's report:

**Goal 1:** Ensure meaningful public participation and promote community-capacity building to allow communities to be **active and** effective participants in environmental decision-making processes.

**Goal 2:** Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

**Goal 3:** Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.

**Goal 4:** Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

### **Achieving the Cal/EPA Environmental Justice Goals**

The broad concepts and themes within the goals and objectives recommended in this section reflect the IWG's efforts to establish a comprehensive, long-term overarching vision and commitment to environmental justice. The goals recommended help to assure that all Californians obtain equal and full protection, fair treatment, and full access in a clean, healthy environment, and the objectives that follow each goal outline the steps that are needed. The IWG has purposely developed broad concepts and themes to guide Cal/EPA BDOs in the development of BDO environmental justice plans with specific and measurable targets adapted to their individual media and focus. The IWG believes this approach is necessary to address the complexity of environmental justice in a deliberate, coordinated, and concentrated manner.

In developing the recommended objectives (steps toward achieving the goals), the IWG examined existing data and studies on environmental justice, and reviewed in detail the Advisory Committee's report. ~~Although the Advisory Committee's report presents a host of specific actions, the~~ IWG believes that Cal/EPA should establish a broad, overarching strategy that would encompass various innovative mechanisms, facilitate a deliberate approach, and demonstrate Cal/EPA's commitment to ~~effectively~~ address *effectively* environmental justice *needs*.

*The IWG also recognizes the need to consider carefully and respond fully to all of the Advisory Committee's recommendations. In addition, the IWG recognizes that the circumstances that impact efforts to achieve environmental justice change consistently. The IWG will, therefore, treat this Intra-Agency Environmental Justice Strategy as a living document that will, over time, evolve. As this evolution takes place, the IWG will continually return to the Advisory Committee's report for guidance and consideration.*

The IWG recommends the following overarching key goals and objectives, and encourages Cal/EPA to also establish performance measures *using the criteria identified by the Advisory Committee* to determine and ensure accountability in its progress toward fulfilling these goals and objectives.

**Goal 1: Ensure meaningful public participation and promote community-capacity building to allow communities to be effective participants in environmental decision-making processes.**

Meaningful public participation is critical to the success of efforts to address environmental justice. Goal 1 addresses how Cal/EPA will increase the availability of information and enhance public participation in its decision-making processes. The recommended objectives for Goal 1 also respond to the IWG's charge to recommend procedures to ensure that public documents, notices, and hearings are concise, understandable, and readily accessible to the public, and provide guidance on when it is appropriate to provide translation for limited-English speaking populations. The IWG recommends that Cal/EPA's objectives for Goal 1 include the following:

- A. Develop policies and procedures for all Cal/EPA BDOs on meaningful public participation, with consideration of actions recommended in the Advisory Committee's report. Such policies and procedures should be reviewed on a regular basis and updated as necessary.
- B. Ensure that staff training on environmental justice is current and available.
- C. Collaborate with agencies both within and outside Cal/EPA to ~~effectively~~ use resources *effectively* and enhance public participation opportunities.
- D. Identify opportunities (such as grants, loans, etc.) to assist communities and local governments in enhancing their knowledge and understanding of environmental issues and governmental processes.
- E. Enhance educational efforts and expand outreach to communities and stakeholders working on environmental justice issues.
- F. Develop a translation assistance guide for the Agency to ensure limited-English-speaking populations have access to Cal/EPA's decision-making processes.
- G. Increase public access to information necessary for meaningful participation in environmental decision-making and to enhance public knowledge and understanding of environmental issues and governmental processes.

**Goal 2: Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.**

Goal 2 addresses how Cal/EPA will integrate environmental justice into all its public health and environmental protection programs, policies, and activities. In considering Goal 2, the IWG is also responding to the charge of recommending criteria for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

The IWG recommends the following criteria to identify and address environmental justice gaps in Cal/EPA programs, policies, or activities:

- I. Consider environmental justice issues in developing and revising programs and program elements.
- II. Ensure that program *and policy* development ~~and~~, adoption, *and implementation* processes do not create new, or worsen existing, environmental justice problems.
- III. Establish guidelines, procedures, and performance measures to ensure fair and equal implementation and enforcement of programs.
- IV. Collect and collaborate on data, tools, and procedures to identify existing environmental justice problems.

- V. Identify and prioritize actions that will address and/or reduce existing environmental justice problems.

The IWG recommends that Cal/EPA's objectives for Goal 2 include the following:

- A. Identify and address environmental justice when developing and revising programs and program elements.
- B. Ensure adequate and fair deployment of enforcement resources.
- C. Give high priority to actions (e.g., funding criteria) that will address and/or reduce existing environmental justice problems.
- D. Dedicate resources and identify staff members responsible for assuring that the Boards, Departments, and Office of Cal/EPA properly considers and addresses existing and potential environmental justice problems.
- E. Identify where a precautionary approach is currently being used, or could be used, that addresses environmental justice issues.

**Goal 3: Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.**

Goal 3 addresses how Cal/EPA will enhance research and data collection to support environmental justice efforts. The recommended objectives for Goal 3 also respond to the IWG's charge to recommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy. The IWG recommends that Cal/EPA's objectives for Goal 3 include the following:

- A. Establish a Cal/EPA environmental justice clearinghouse.
- B. Develop tools and approaches to assess and reduce adverse cumulative impacts.
- C. Initiate and collaborate on community-based projects related to environmental justice.
- D. Develop, promote and support efforts to collect community and environmental data (including data on and surrounding federal facilities) that will improve understanding of environmental justice problems, and lead to solutions and prevention of further problems.
- E. Initiate, engage, and expand communication and collaboration with stakeholders and communities to build positive and effective working relationships.

**Goal 4: Ensure effective cross-media coordination and accountability in addressing environmental justice issues.**

Goal 4 addresses how Cal/EPA will strive to improve cross-media coordination and ensure accountability in its environmental justice efforts. The recommended objectives for Goal 4 also respond to the IWG's charge to recommend procedures and provide guidance to Cal/EPA for the coordination and implementation of interagency environmental justice strategies. The IWG recommends that Cal/EPA's objectives for Goal 4 include the following:

- A. Promote collaborative efforts between agencies (internal and external) towards the sharing of data and information relevant to environmental justice.
- B. Ensure ongoing communication between Cal/EPA and external stakeholders.
- C. Develop protocols for effective coordination within Cal/EPA, its Boards, Departments, and Office, including regional offices, on environmental justice issues.
- D. Examine mechanisms to ensure greater coordination with other federal, state, and local agencies.
- E. Develop performance measures to determine the success of environmental justice programs with review and input from external stakeholders.
- F. Ensure compliance with federal (Title VI, Civil Rights Act of 1964) and state (California Government Code section 11135) civil rights laws in making environmental decisions.

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## Conclusion

The Cal/EPA Interagency Working Group on Environmental Justice ~~is dedicated to~~ **ensuring shall ensure** the integration of environmental justice into all Cal/EPA public health and environmental protection programs, policies, and activities. The IWG has developed these recommendations for an environmental justice strategy that will provide an overarching vision to guide Cal/EPA BDOs in ensuring environmental justice for all Californians.